

FILED

2008 AUG 19 AM 8:04

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY RN DEPUTY

1 PARRA VICTOR
2 CDC No. P-58682
3 P.O. Box: 799002
4 San Diego CA. 92179
5 In pro se
6

NUNC PRO TUNC

AUG 15 2008

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 VICTOR PARRA
12 Petitioner

13 V.

14 JAMES TILTON, Warden et al.,
15 Respondents.
16

Case No. 08CV0472 J (LSP)

TRAVERSE/DENIAL AND EXCEPTION TO
RESPONDENT AMENDED ANSWER.

17 For his denial and exception to the return to the order to answer respondents
18 opposition Petitioner states:

19 Exception

20 Respondent has failed to set forth sufficient facts or law to show why the
21 relief requested in the petition should not be granted.

22 Denial

23 1. Petitioner admits for purposes of this action that a stay of the petition is
24 not necessary and that the tolling provisions as explained by respondent are
25 correct, the present petition was timely filed.

26 2. Petitioner denies he has a lengthy criminal history.

27 3. Petitioner denies the alleged victim suffered great bodily harm.

28 4. Petitioner denies any sentencing error was harmless.

CR

1 5. Petitioner denies he is lawfully incarcerated within custody of the California
2 Department of Corrections

3 Petitioner realleges all the allegations, contained at the memorandum of points
4 and authorities set forth in the petition.

5 Wherefore, petitioner requests that the relief prayed for in the petition should
6 be granted.

7
8 Dated: August 11, 2008

 Respectfully Submitted
 Victor Parra
 In pro se.

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Case No. 08CV0472 J (LSP)

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, Victor Parra DECLARE UNDER PENALTY OF PERJURY
THAT: I AM THE Petitioner IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 11 DAY OF: August 2008 AT Richard J. Donovan Correctional Facility, 480 Alta Road, San Diego CA. 92179-9002

(SIGNATURE) Victor Parra
(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, VICTOR PARRA AM A RESIDENT OF Richard J. Donovan Corr. Fac. San Diego
County, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM ~~NOT~~
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 799002, San Diego
CA. 92179.

ON August 11 2008 I SERVED THE FOREGOING: Traverse/Denig and
Exception to Respondent amended Answer.

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED
AT 480 Alta Road, San Diego CA. 92179-9002

(To the Clerk)
U.S. District Court
Southern District of California
880 Front Street, Suite 4290
San Diego CA. ~~92179~~
92101-8900

Bradley A. Weinreb
Deputy Attorney General
110 West A. Street, Suite 1100
San Diego CA. 92101
P.O. Box. 85266
San Diego CA. 92186-5266

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 11, 2008

Victor Parra

(DECLARANT PRISONER)